

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|----------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | 8:09CR61 |
| |) | |
| JIMMY LEVERING, |) | ORDER |
| |) | |
| Defendant. |) | |

This matter is before the court on the government's motion to continue trial (Doc. 21) due to counsel's scheduling conflict. For good cause shown, trial will be continued to June 23, 2009.

IT IS ORDERED that the motion is granted, as follows:

1. The jury trial now set for May 5, 2009 is continued to **June 23, 2009**.

2. In accordance with [18 U.S.C. § 3161](#)(h)(8)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **May 5, 2009 and June 23, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act due to counsel's scheduling conflicts and because counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

DATED April 8, 2009.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge